

Notice of Allowability

Application No.

09/957,436

Examiner

Matthew C. Sams

Applicant(s)

OSANO, KEIJI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7 March 2005.
2. ☒ The allowed claim(s) is/are 1,3-8,10 and 11.
3. ☒ The drawings filed on 20 September 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>2/2/05 & 1/31/05</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements filed on 1/31/05 and 2/02/05 have been considered.

Allowable Subject Matter

2. Claims 1, 3-8, 10 & 11 are allowed.
3. The following is an examiner's statement of reasons for allowance:

Applicant's invention is drawn to a handheld telephone set that detects whether a dual-ear type or single-ear type earphone is connected to the telephone set, an amplifier for amplifying ambient sound detected by a microphone to be delivered to the earphone by superposing the signals, a controller for increasing the gain of the ambient sound if a dual-ear type earphone is connected to the telephone set and decreasing the gain of the ambient sound if a single-ear type earphone is connected to the telephone set.

Applicant's independent claim 1 recites, *inter alia*, a handheld telephone set with a structure as defined in the specification including a control device for adjusting a signal level of an ambient sound output from an amplifier according to an output of the detecting means, wherein a dual-ear mount type earphone is mounted to the telephone set main body unit, a gain of the amplifier is increased to increase the signal level of the

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sound output from the amplifier and when a single-ear mount type earphone is mounted to the telephone set main body unit, the gain of the amplifier is reduced to decrease the signal level of the sound output from the amplifier. Applicant's claim 1 comprises a particular combination, which is neither taught nor suggested by the prior art.

Applicant's independent method claim 8 recites, *inter alia*, the adjusting of a signal level of an ambient sound according to the earphone type when the ambient sound is superposed on the earphone, wherein the dual-ear mount type earphone is mounted to the telephone set main body unit, the signal level of the ambient sound is increased, and when the single-ear mount type earphone is mounted to the telephone set main body unit, the signal level of the ambient sound is decreased.

Accordingly, Applicant's claims are allowed for these reasons and for the reasons cited by the Applicant in the Amendments filed 1/28/2002 and 3/7/2005.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew C. Sams whose telephone number is (571)272-8099. The examiner can normally be reached on M-F 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571)272-7499. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MCS
5/27/2005



HUYEN LE
PRIMARY EXAMINER